

Patent
030639.0044.CPA1

Handwritten initials

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Duft et al.

Group Art Unit: 1645

Serial No.: 09/445,517

Examiner: Devi, Sarvamangala J N

Filed: December 6, 1999

Title: METHODS FOR TREATING OBESITY

SEP - 7 2004

Box DAC
Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Dear Sir:

A Notice of Abandonment was mailed by the Patent Office on January 5, 2003, for the above-captioned application. As it is believed that this application stands abandoned due to an error on the part of the Patent Office, Applicants hereby petition for withdrawal of the holding of abandonment.

Alternatively, Applicants petition for revival of this application under 37 C.F.R. §1.137(b), as the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 C.F.R. §1.137(b) was unintentional. As this application was filed after June 8, 1995, it is believed that a terminal disclaimer is not required with this petition.

Although previously filed, for the convenience of the Patent Office Applicants hereby attach another copy the following documents filed on December 5, 2002:

1. Transmittal Letter;
2. Petition for a Three-Month Extension of Time;
3. Fee Transmittal for FY 2003 (PTO/SB/17);
4. Response to Office Action; and
5. Declaration under 37 C.F.R. § 1.131.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8(a))

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on January 21, 2003, with sufficient postage, as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Laura V. Largey


Laura V. Largey

Also attached is a copy of the Express Mail receipt indicating that these documents were mailed from the Midway Post Office in San Diego, California, on December 5, 2002. If any further information is desired, please notify Applicants' undersigned representative.

In conclusion, Applicants do not believe that any fee is due with this Petition, as the Notice of Abandonment was received on the basis of a Patent Office error. However, if any fee is required, the Commissioner is authorized to charge Deposit Account No. 50-1273 for the appropriate amount.

Respectfully Submitted on behalf of Duft et al.,

Dated: 1-21-03

By: 
Lisa M. Griffith
Reg. No. 41,185

Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92130-2081
Telephone Number: (858)720-2500
Facsimile Number: (858)720-2555

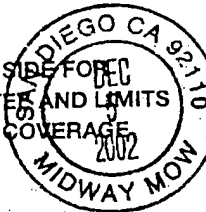
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FROM: (PLEASE PRINT) PHONE 858 720 2500 BROBECK, PLEGER & HARRISON 12390 EL CAMINO REAL SAN DIEGO CA 92130-2081 030639-0044 CPA1	TO: (PLEASE PRINT) PHONE () COMMISSIONER FOR PATENTS BOX PATENT APPLICATION WASHINGTON DC 20231-0001
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Serial No.: 09/445,517
Attorney: Bradford J. Duft

Filed: December 6, 1999
Express Mail No.: EL675947222US

METHODS FOR TREATING OBESITY

Docket No.: 030639.0044.CPA1
Enclosure(s): Response to Office Action; Transmittal Letter; Petition for a Three-Month Extension of Time; Fee Transmittal for FY 2003 (PTO/SB/17); Declaration under 37 C.F.R. § 1.131; and Return Postcard.



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Patent
030639.0044.CPA2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Duft et al.

Group Art Unit: 1645

Serial No.: 08/870,762

Examiner: Devi, Sarvamangala J N

Filed: June 6, 1997

Title: METHODS FOR TREATING OBESITY

Commissioner for Patents
Washington, D.C. 20231

SEP - 7 2004
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TRANSMITTAL LETTER

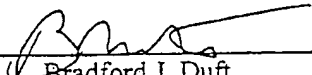
Dear Sir:

Enclosed are the following documents:

1. Response to Office Action;
2. Petition for a Three-Month Extension of Time;
3. Fee Transmittal for FY 2003 (PTO/SB/17);
4. Declaration under 37 C.F.R. § 1.131;
5. Return postcard.

Respectfully Submitted,

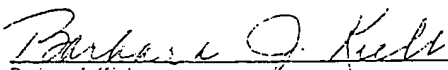
By:



Bradford J. Duft
Reg. No. 32,219

Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92130-2081

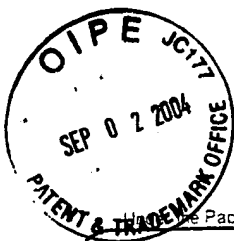
CERTIFICATE OF MAILING
(37 C.F.R. § 1.8a)

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Barbara J. Kiehl


Date

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SEP -7 2004

TECH CENTER 1600/2800

PTO/SB/17 (10-02)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL

for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	091445.517
Filing Date	12/06/1999
First Named Inventor	DLIFT
Examiner Name	DEVI SARVAMANGALAJN
Art Unit	1645
Attorney Docket No.	030634-0044-CPA1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-1273

Deposit Account Name: BROBECK, PHILETER J. HANSEN

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: -20** = X =

Independent Claims: -3** = X =

Multiple Dependent: =

Fee from below:

Fee Paid:

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	460.00
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$)					

SUBMITTED BY

Name (Print/Type): BRADFORD J. DLIFT

Registration No. (Attorney/Agent): 32,214

Telephone: 858.720.2500

Signature: [Signature]

Date: 12/5/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.